

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rule

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 39 Ill Reg 15158), effective 11/9/15. These amendments modify an earlier emergency rule (39 Ill Reg 10072, effective 7/1/15), in response to a JCAR Objection, for the remainder of its 150-day term. The emergency amendments raise the income eligibility limit for the Child Care Assistance Program (CCAP) when resources are insufficient to accommodate all normally eligible applicants from 50% to 162% of the federal poverty level; remove a requirement that CCAP clients pursue child support cases against absent parents through the Department of Healthcare and Family Services; and remove a requirement that child care providers related to the child

undergo a fingerprint-based criminal background check as a condition of CCAP participation. These emergency amendments will expire with the original emergency rule on 11/27/15. However, DHS has agreed to make the same changes to a companion proposed rule-making published in the 7/17/15

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Illinois Register (39 Ill Reg 9731), which it intends to adopt with these agreed-upon amendments before the current emergency rule expires. Child care providers and families applying for enrollment in the CCAP program are affected by this emergency rulemaking.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Proposed Rulemakings

■ DOT PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION (CPO-DOT) and the DEPARTMENT OF TRANSPORTATION (DOT) proposed amendments to the Parts titled Chief Procurement Officer for the Department of Transportation-Standard Procurement (44 IAC 6; 39 Ill Reg 15040) and Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 IAC 650; 39 Ill Reg 15061), clarifying and updating various provisions related to DOT contracting and bidding. CPO-DOT's amendments to Part 6 define "satisfactory evidence of compliance" as a bidder's certification or other assurance of compliance with the Procurement Code in the contract bid proposal; clarify that contract

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

PREGNANCY DISCRIMINATION

The HUMAN RIGHTS COMMISSION and DEPARTMENT OF HUMAN RIGHTS adopted new Parts titled Joint Rules of the Human Rights Commission and Department of Human Rights: Rules on Pregnancy Discrimination and Accommodation in Employment (56 IAC 5215; 39 Ill Reg 9911 and 56 IAC 2535; 39 Ill Reg 9682), both effective 11/4/15. The new Parts (56 IAC 5215 cross-references the complete text in 56 IAC 2535) implement Public Act 98-1050, which requires employers to reasonably accommodate a job applicant or employee's pregnancy and to notify employees of their statutory rights in this regard. The rules give examples of reasonable accommodations which may be agreed upon by the employer and employee/applicant, including temporary transfer or reassignment to a less hazardous or strenuous position. However, an employer may not require an applicant or employee to accept such accommodations. Since 1st Notice, provisions have been added to Part 2535 clarifying procedures for offering alternative accommodations to employees. Businesses, units of local government, non-profit agencies, employment agencies and labor organizations are affected by this rulemaking.

Questions/requests for copies: Evelio Mora, HRC (Suite 5-100, 312/814-6269) or David T. Rothal, DHR (Suite 10-100, 312/814-

6257), 100 W. Randolph St., Chicago IL 60601.

ABUSE INVESTIGATIONS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 39 Ill Reg 9697), effective 11/6/15, clarifying which parties receive notification of an investigative report's findings (the complainant, the alleged victim or his/her legal guardian, the alleged perpetrator, and the facility or agency involved) and which parties have the right to request clarification or reconsideration of these findings (all of the above, except the complainant).

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

WATER FLUORIDATION

The POLLUTION CONTROL BOARD adopted amendments to Primary Drinking Water Standards (35 IAC 611; 39 Ill Reg 8691), effective 11/9/15, reducing the required fluoride ion concentration in community water system-distributed water from 0.9-1.2 mg/L to 0.7 mg/L. This change reflects the U.S. Department of Health and Human Services' recent recommendation of the lower level, and is expected to have a

positive financial impact on community water systems. Since 1st Notice, PCB removed provisions that would have reinstated Section 611.858 (Fluoride Secondary Standard); this Section remains repealed in the adopted rulemaking.

Requests for copies: Marie Tipsord, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-4925, Marie.Tipsord@illinois.gov. Please reference docket R15-23. Copies of the Board's opinion and order can be obtained from <http://www.ipcb.state.il.us> or by calling 312/814-3620.

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selection for professional and artistic services is governed by the rules of the Chief Procurement Officer-General Services but overseen by CPO-DOT; add statutory language from the Procurement Code concerning inflation adjustments to the small purchase maximum; and clarify certain bidding procedures. In the Part 650 rulemaking, DOT clarifies how the CPO-DOT and DOT cooperate in prequalifying contractors; clarifies that a determination of prequalification, rather than a Certificate of Eligibility, allows contractors to seek authorization to bid on contracts; and clarifies timeframes for determining a

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prequalification rating. Other provisions address forms and procedures for requesting an authorization to bid, eliminate provisions regarding financial disclosures (which are not part of the prequalification process, but are addressed in 44 IAC 6), and update provisions for collecting information from trucking and material supply firms in accordance with federal regulations. Both rulemakings also update website links and make each Part more consistent with the Code and current practice. Businesses seeking DOT contracts or prequalification to bid on DOT contracts are affected by these rulemakings.

Questions/requests for copies/comments through 1/3/16: Part 6, Bill Grunloh (217/558-5434); Part 650, Michael Copp (217/782-3413); both Parts, Sannaz Etemadi (217/524-7763), DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764.

■ WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments

to the Part titled Permits (35 IAC 309; 39 Ill Reg 15103) concerning procedures for issuing National Pollutant Discharge Elimination System (NPDES) federal permits as well as permits issued by the Illinois Environmental Protection Agency for construction or operation of systems that do not require NPDES permits. The rulemaking allows permittees to request a waiver from the requirement to apply for renewal of an NPDES permit at least 180 days prior to the expiration date of the current permit. The waiver request must include an explanation of why the permittee cannot apply within the normal timeframe and must specify the date by which the permittee will submit the application. IEPA must grant or deny the waiver within 21 days after it receives the request. Operating permits for sewers, wastewater sources, and pretreatment works may remain valid for the lifetime of these systems (currently, permits must be renewed at least every 5 years). An operating permit may be terminated if IEPA determines that a permitted facility is no longer in operation or existence, or if the permittee

requests termination. Other provisions specify conditions that require pretreatment works to obtain modified operating permits; list discharges that are not required to have a State operating permit, although they may require State construction permits; require construction permits for new sewers or wastewater sources that are being connected to public sanitary or combined sewer systems; and exempt certain facilities (e.g., cooling towers, ion-exchange systems or reverse osmosis treatment for industrial source waters) from construction permitting requirements. Businesses and municipalities with State or federal discharge permits will be affected by this rulemaking.

Questions/requests for copies/comments through 1/3/16: Jason James, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6929, Jason.James@illinois.gov. Copies of the Board's opinion and order may be requested at 312/814-3620 or downloaded at www.ipcb.state.il.us. Please reference docket R15-24.

JCAR Meeting Action

At its 11/17/15 meeting, the Joint Committee on Administrative Rules took the following actions:

EXTENSIONS

The Committee extended the Second Notice periods for the following rulemakings an additional 45 days: Capital Development Board, Illinois Energy

Conservation Code (71 IAC 600; 39 Ill Reg 12425); State Board of Education, Special Education (23 IAC 226; 39 Ill Reg 8906); Department of Labor, Equal Pay in Employment (56 IAC 320; 39 Ill Reg 11199) and Job Opportunities for Qualified Applicants Act (56 IAC 340; 39 Ill Reg 11206).

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the December 15, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement
(44 IAC 4; 39 Ill Reg 8481) proposed 6/26/15

DEPT OF NATURAL RESOURCES

Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and
Demolitions (17 IAC 150; 39 Ill Reg 12719) proposed 9/18/15

White-Tailed Deer Hunting by Use of Bow and Arrow (17 IAC 670; 39 Ill Reg 12723)
proposed 9/18/15

SECRETARY OF STATE

Procedures and Standards (92 IAC 1001; 39 Ill Reg 11689) proposed 8/21/15

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Bill Brady

Representative Lou Lang

Senator Don Harmon

Representative David Leitch

Senator Karen McConnaughay

Representative Ron Sandack

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Mike Tryon

Vicki Thomas
Executive Director